

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28006 of 2023
Date of decision: 2nd August, 2023

Shafi Mohammad

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Randeep Singh, Advocate for
Mr. Vipin Mahajan, Advocate for the petitioner.
Mr. H.S. Sullar, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.71 dated 23.11.2022 for the offences under Sections 336, 427, 506, 148, 149 IPC and Section 25 of the Arms Act, registered at Police Station Bhaini Mian Khan, District Gurdaspur.

2. On the last date of hearing, i.e. 31.05.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“While drawing attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1/T, learned counsel for the petitioner submits that a perusal of the same clearly reveals that other than the presence of the petitioner shown at the

time of the occurrence in question, no other overt role has been attributed to him. Learned counsel has also submitted that the Coordinate Bench of this Court vide order dated 17.04.2022 (Annexur P-3) passed in CRM-M-60663-2022 titled as 'Rajnish Kumar Vs. State of Punjab' has extended the concession of anticipatory bail to the main accused, namely, Rajnish Kumar, who had the motive to commit the crime in question."

3. Learned counsel for the petitioner submits that in compliance of the order dated 31.05.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 31.05.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

August 2, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No